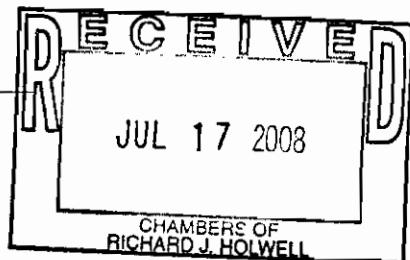


# PITTA & DREIER<sup>LP</sup>

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Via Fax 212-805-7948

Hon. Richard J. Holwell, U.S.D.J.  
 United States District Court  
 500 Pearl Street  
 New York, New York 10007

July 17, 2008

USDC SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #: \_\_\_\_\_  
 DATE FILED: 7/23/08

**Re: Tran Dinh Truong, Alphonse Hotel Corp. d/b/a The Hotel Carter v.  
New York Hotel & Motel Trades Council, AFL-CIO, the Office of the  
Impartial Chairman and Peter Ward, SDNY No. 07-CV-11383(RJH)**

Dear Judge Holwell:

Pursuant to your oral direction and Order dated July 8, 2008, I write on behalf of the New York Hotel & Motel Trades Council, AFL-CIO (“Union”) to report the status of the remaining claims in this action, as I have conferred with Plaintiffs’ counsel.

Plaintiffs’ claims were dismissed both against the Union and against the industry arbitrator, the Office of the Impartial Chairperson (“OIC”) following motions and oral argument on July 8, 2008. The Union’s counterclaim to confirm three arbitration awards remains. The Union proposes to move for summary judgment pursuant to Rule 56 or other dispositive application to confirm the awards without discovery. Plaintiff is considering whether to cross-move or consent to confirmation without the need for motions. Following discussion with Plaintiffs’ counsel, we jointly propose the following motion schedule.

- Union Motion to Confirm ..... August 20, 2008
- Plaintiffs’ Opposition and/or Cross-motion ..... September 10, 2008
- Union Reply ..... September 22, 2008
- Union Opposition (if Plaintiffs cross-move) ..... September 22, 2008
- Plaintiffs’ Reply (to Union Opposition) ..... October 3, 2008

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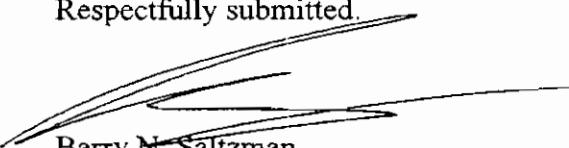
I note that the undersigned will be on trial in an action before Judge Crotty starting July 28, 2008 expected to run through August 8, so that the August 20 motion date is the earliest possible date. I further note that the Union's agreement to the above schedule for Plaintiffs' papers does not waive the Union's position that Plaintiffs' response, if any, to the Union's motion is severely limited under *Local 802 v. Parker Meridien*, 145 F.3d 85 (2d Cir. 1998) (grounds for vacating an arbitration award may not be raised after 90 days).

On behalf of counsel jointly, we request that the Court approve the above motion schedule. Thank you for your kind consideration.

SO ORDERED

R. J. Holwell  
USAO

Respectfully submitted,

  
Barry N. Saltzman

BNS/seg

7/22/08

cc: *Via Email*

Gregory G. Calabro, Esq.  
Ricardo Vera, Esq.  
Joel M. Silverstein, Esq.  
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M. D'Angelo, Esq.